



General Assembly

January Session, 2001

Amendment

LCO No. 7915

Offered by:

SEN. COLEMAN, 2nd Dist.

To: Subst. Senate Bill No. 1161

File No. 828

Cal. No. 385

"AN ACT CONCERNING THE DEATH PENALTY."

1 After line 141, add the following and renumber the remaining
2 section accordingly:

3 "Sec. 5. Subsection (d) of section 53a-46a of the general statutes is
4 repealed and the following is substituted in lieu thereof:

5 (d) In determining whether a mitigating factor exists concerning the
6 defendant's character, background or history, or the nature and
7 circumstances of the crime, pursuant to subsection (b) of this section,
8 the jury or, if there is no jury, the court shall first determine whether a
9 particular factor concerning the defendant's character, background or
10 history, or the nature and circumstances of the crime, has been
11 established by the evidence, and shall determine further whether that
12 factor is mitigating in nature, considering all the facts and
13 circumstances of the case. Mitigating factors are such as do not
14 constitute a defense or excuse for the capital felony of which the
15 defendant has been convicted, but which, in fairness and mercy, may
16 be considered as tending either to extenuate or reduce the degree of

17 [his] the defendant's culpability or blame for the offense or to
18 otherwise constitute a basis for a sentence less than death. If a
19 defendant has been convicted of the offense set forth in subdivision (1)
20 of section 53a-54b, as amended by this act, the lack of knowledge by
21 the defendant that the victim was a person specified in said
22 subdivision shall constitute a mitigating factor."